

UNITED STATES BANKRUPTCY COURT

FOR THE

**EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

In the Matter of:

JOHN KOTEY

Debtor

Chapter 13

Case No. 10-18406-BFK

MOTION TO DISMISS,
NOTICE OF MOTION TO DISMISS
AND
NOTICE OF SCHEDULED HEARING ON THIS MOTION

Thomas P. Gorman, Chapter 13 Trustee, has filed this motion to dismiss your Chapter 13 case. The cause for this motion is as follows:

Violation of 11 U.S.C. §1307(c)(6) - Material default by Debtor as is reflected in the attached Trustee's Report of Receipts and Disbursements.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not wish the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then on or before five business days prior to the hearing date, you or your attorney must:

File with the court a written response with supporting memorandum as required by Local Bankruptcy Rule 9013-1(H). Unless a written response and supporting memorandum are filed and served by the date specified, the Court may deem any opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing. If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before five business days prior to the scheduled hearing. You must mail a copy to the persons listed below.

Notice and Motion to Dismiss

John Kotey, Case #10-18406-BFK

Attend the hearing to be held on September 12, 2013 at 1:30 p.m. in Courtroom #3 on the 3rd floor, United States Bankruptcy Court, 200 South Washington Street, Alexandria, VA 22314. If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.

A copy of any written response must be mailed to the following persons:

Thomas P. Gorman
300 North Washington Street, Ste. 400
Alexandria, VA 22314

Clerk of the Court
United States Bankruptcy Court
200 South Washington Street
Alexandria, VA 22314

If you or your attorney do not take steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: __August 8, 2013__

____/s/ Thomas P. Gorman____
Thomas P. Gorman
Chapter 13 Trustee
300 N. Washington Street, #400
Alexandria, VA 22314
(703) 836-2226
VSB 26421

CERTIFICATE OF SERVICE

I hereby certify that I have this 8th day of August, 2013, served via ECF to authorized users or mailed a true copy of the foregoing Motion to Dismiss, Notice of Motion and Notice of Hearing to the following parties.

John Kotey
Chapter 13 Debtor
3782 Mary Evelyn Way
Alexandria, VA 22309

Tommy Andrews, Jr., Esq.
Attorney for Debtor
122 N. Alfred St.
Alexandria, VA 22314

____/s/ Thomas P. Gorman____
Thomas P. Gorman

INTERIM STATEMENT AS OF 08/08/2013

CASE NO: 10-18406-BFK

STATUS: ACTIVE

DEBTOR: XXX-XX-8733

KOTEY, JOHN

AKA:

SCHEDULE: 400.00 MONTHLY

TOTAL PAID: 10,354.00

DATE FILED: 10/04/2010 3782 MARY EVELYN WAY

CONFIRMED: 04/19/2011 ALEXANDRIA, VA 22309

LATEST 341: 11/16/2010

PERCENTAGE: 100.000

ATTORNEY: TOMMY ANDREWS, JR., ESQ.

122 N. ALFRED ST.

ALEXANDRIA, VA 22314

Phone: 703 838-9004 Fax: 703 838-9550

PLAN: 60 MONTHS

1st PAYMENT DUE: 11/2010

ON SCHEDULE: 11,423.94

ACTUAL PAYMENTS: 10,354.00

AMOUNT BEHIND: 1,069.94

LAST 12 TRANSACTIONS

Date	Source	Amount
07/16/13	PC	600.00
07/03/13	PC	400.00
06/04/13	PC	400.00
05/06/13	PC	400.00
04/02/13	PC	400.00
02/21/13	PC	400.00
12/11/12	PC	400.00
10/31/12	PC	400.00
08/28/12	PC	400.00
07/26/12	PC	400.00
06/22/12	PC	400.00
05/14/12	PC	330.00
04/12/12	PC	330.00
03/05/12	PC	330.00

DIRECT PAY

CLAIM	CRED NO	CREDITOR NAME	DISB CODE	CLASS	ARREARS	FIXED PAYMENT	SCHED AMOUNT	PAID BY TRUSTEE	BALANCE DUE	CLAIM STATUS
001	318983	BMW BANK OF NORTH AMERICA	PRO	SEC	0.00	0.00	0.00	0.00	0.00	DIRECT
004	325331	SANTANDER CONSUMER USA INC	PRO	SEC	0.00	0.00	0.00	0.00	0.00	DIRECT
005	327064	VERNON HGHTS HOA	PRO	SEC	0.00	0.00	0.00	0.00	0.00	DIRECT

PLAN AND FILED CLAIMS

CLAIM NO	CRED NO	CREDITOR NAME CLAIM REMARK	DISB CODE LAST DISB	CLASS PAY%	INT. BEGIN INT. RATE	FIX PAY ARREARS	ORG. CLAIM SCHED AMT	APPROVED TO BE PAID	PRIN. PAID INT. PAID	PRIN. DUE INT. DUE
002	324032	NATIONSTAR MORTGAGE ZEROED OUT PER LOAN MODIFICATION	FIX-I 09/2012	SEC 100.00		250.00 0.00	8,462.92 8,530.91	5,209.64 5,209.64	5,209.64 0.00	Closed
002A	324032	NATIONSTAR MORTGAGE ZEROED OUT PER LOAN MODIFICATION	FIX-I 09/2012	SEC 100.00		280.00 0.00	11,680.12 0.00	398.61 398.61	398.61 0.00	Closed
003	330770	CITIMORTGAGE, INC. CLAIM DISALLOWED PER COURT ORD 7	PRO-I 100.00	UNS 100.00		0.00 0.00	138,009.53 0.00	0.00 0.00	0.00 0.00	Closed
006	322073	HSBC BANK NEVADA, N.A. UNLISTED/ NO OBJ TO NOI/ALLOW	PRO 12/2012	UNS 100.00		0.00 0.00	394.20 0.00	394.20 394.20	394.20 0.00	0.00 0.00
799	ANDREW	TOMMY ANDREWS, JR., ESQ.	PRO 07/2013	ATY 100.00		0.00 0.00	10,796.89 3,000.00	10,796.89 10,796.89	3,869.40 0.00	4,927.49 0.00
Trustee Administrative Fees								472.15	472.15	
TOTALS:						530.00 0.00	11,191.09 3,000.00	11,663.24 11,663.24	10,344.00 0.00	4,927.49 0.00

	ADMIN	ATTORNEY	PRIORITY	SECURED	UNSECURED	OTHER		
SCHED AMOUNT:	0.00	3,000.00	0.00	0.00	0.00	0.00		
CLAIM AMOUNT:	0.00	10,796.89	0.00	0.00	394.20	0.00		
PAID BY TRUSTEE:	0.00	3,869.40	0.00	0.00	394.20	0.00		
PAID BY 3rd PARTY:	0.00	2,000.00	0.00	0.00	0.00	0.00		
SUB TOTAL:	0.00	4,927.49	0.00	0.00	0.00	0.00	DUE CREDITORS:	4,927.49
INTEREST DUE:	0.00	0.00	0.00	0.00	0.00	0.00	EXPECTED ADMIN:	131.53
CONTINUING:	0.00	0.00	0.00	0.00	0.00	0.00	LESS AVAILABLE:	10.00
BALANCE DUE:	0.00	4,927.49	0.00	0.00	0.00	0.00	APPROX BALANCE:	5,049.02

** Creditor has not filed a Proof of Claim. Accumulated funds will be released to other creditors if no claim is filed with the U.S. Bankruptcy Court by the date of the scheduled Chapter 13 Review Meeting.

Claims with an A code in the DISB/CODE column are placed on hold and need to be resolved. NO disbursements are being made to the creditor.

This is a progress report only and should not be used to calculate a payoff.

RptDvr 10

CASE NO: 10-18406-BFK

STATUS: ACTIVE

DEBTOR: XXX-XX-8733

KOTEY, JOHN

SCHEDULE: 400.00 MONTHLY

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RptDvr 10